

REMARKS

Claims 1, 2, 4-8 and 10-12 and 13-17 are now in this application. Claims 1, 2, 4-8 and 10-13 are rejected. Claims 3 and 9 are previously cancelled. Claim 13 is cancelled herein as it is redundant in view of claim 2. Claims 1, 7, 8, 10, 11 are amended herein to clarify the invention. Claim 12 is amended to replace the term "meet cursor" with "contact position cursor" which reads on the applicant chosen term of "meet cursor" of the specification but more readily identifies the claim element. Claims 14-23 are added and submitted as patentable for the subject matter recited therein. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

INTERVIEW ACKNOWLEDGMENT

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on November 9, 2005, and extend their thanks to the Examiner for his time and consideration. During the interview, the disclosure of the Lipson reference was discussed and a proposed amendment of claim 1 was presented. Agreement was reached that the proposed amendment would patentably distinguish the claim over the Lipson reference. The Examiner also agreed that if the present amendment is filed with an RCE to ensure entry, a next Office Action

would not be made final. Details of the interview discussions are presented below in relation to the pertinent subject matter of the Office Action.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1, 2, 4-8 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lipson (US 5,435,554). Applicants herein respectfully traverse these rejections. For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Each of independent claims 1, 7, 8, 11 recite the feature of changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed on the monitor screen. In accordance with the proposed amendment of the above referenced interview, claims 1, 7, 8, and 11 are now amended to recite that the bat character is moved from a first displayed position to a second displayed position within the strike zone and that the bat character is displayed as moving between those positions.

In contrast, Lipson does not disclose a display of actually changing a height of the bat character in the strike zone when a game player is operating an operation device, be it a switch or a joystick. In this regard the claims 1, 7, 8, 10, 11 and 13

have been further amended to recite the vertical movement between first and second positions in the strike zone.

Instead, Lipson discloses in lines 20-35, col. 14, regarding a strike zone, a division of the strike zone in a height direction to have regions “high, medium, and low” corresponding to a batting angle (upper, average, and lower) and discloses in lines 36 to 39, col. 14, a detection of height direction of a bat character in step 314 and calculation of an error between a bat character’s position (height position) and a pitched position.

Lines 17 to 35 on column 14 (Lipson):

Within decision state 312 it is determined just exactly how near the strike zone the pitched baseball is. If the target position of the baseball is not conceivably hittable by the batter (i.e., a ball was thrown) then flow exits state 312 and travels via path 318 to state 338. Otherwise, the game process for this pitch will continue into state 314 where the vertical position of the batter’s swing relative to the strike zone is determined. In the present invention, the strike zone is broken into three vertical regions--high, medium and low--although it is possible to use a larger number of regions if desired. However, because the presently preferred embodiment allows a batter to direct the batted ball upward, downward or with an average altitude, the use of three regions correlates to the batter’s directional choices. For example, if a batter pushes the joystick forward in an effort to hit a pop fly ball then the batter’s swing will correspondingly be through the lower section of the strike zone to simulate a looping swing.

Lines 36 to 39 on column 14 (Lipson):

After the vertical position of the batter’s swing is determined in state 314, a vertical zone error is calculated in state 316 as the difference between the vertical swing position and the pitch target position. The game flow continues after state 316 to state 318 shown in FIG. 6b. While in state 318, the vertical zone error will be increased if a power swing was selected by the batter.

Lipson clearly fails to disclose actual display of a bat character that is movable vertically within the strike zone (SZ) between first and second positions upon movement of an input device by the game player when the bunting operation is selected. As the Lipson reference is best understood, the player picks a level at which a swing is to take place using a joystick and the swing is then initiated and passes through the level in the strike zone.

The reference does not appear to explain a bunting operation. While the level of the swing may be changed from swing to swing, the reference does not disclose the display of the bat character moving vertically from first to second positions in the strike zone as is now claimed for the bunting operation of the present invention. In other words, in the present invention, while waiting for arrival of a pitch, the player can move the bat up and down within in the strike zone, not just select a level for the swing to pass through as is the case in the Lipson reference. While the prior claim language is believed to have properly related this movement, the claims are amended to more clearly reflect this movement.

In view of the above, it is respectfully submitted that the independent claims particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of the claims and their allowance are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 10-12 are again rejected as obvious over Lipson under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the Lipson reference cannot render the rejected claims obvious because the reference does not provide the teaching noted above with respect to the anticipation rejection. Thus, the reference fails to teach or suggest all the claim limitations.

NEW CLAIMS

Claims 14-23 are added and submitted as patentable for the subject matter recited therein. Claim 14 is directed to displaying an arrow above the bat character indicating a direction of a bunt executed by the offensive action. Claims 15 and 16 recite displaying the bat character moving at a speed proportional to a speed of the moving operation. Claims 17, 20 and 21 include varying a size of the meet cursor according to the ability parameters of the batter character. Finally, claims 22 and 23 recite displaying a small screen in an upper center screen portion displaying a side of the batter character from a viewpoint of the pitcher character. It is respectfully submitted that these features distinguish the claims from the cited art.

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one month extension of time for responding to the Office Action. **The fee of \$120.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

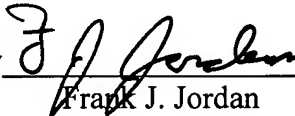
If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.


Docket No. F-7294

Ser. No. 10/055,672

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

 and,

By 
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

enc: Form PTO-2038; RCE.

APPENDIX I

ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein in said receiving step:

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side;

designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for bunting for both:

alteration of a height of the bat character from one displayed position to another displayed position within an area defined by an upper limit and a lower limit of the strike zone; and

an orientation of the bat character;

is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character

displaying a corresponding vertical movement effecting movement of the bat character from said one displayed position to said another displayed position within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and
progressing a baseball game based on the input made by the game player.

2. (Original) The computer readable recording medium according to claim 1, wherein said pointing device has at least two buttons including a first button and a second button, and said selection of bunting or hitting is accomplished by performing different button operations on said first button and second button.

3. (Canceled)

4. (Previously Presented) The computer readable recording medium according to claim 1, wherein the operation regarding the alteration of the height and the orientation of said bat character is received after the pitching action of the pitcher character is initiated.

5. (Previously presented) The computer readable recording medium according to claim 1, wherein the degree of success of a batting action is judged in accordance with the degree of overlap of said bat character and said ball character and the orientation of said bat character when said bunting is selected.

6. (Previously presented) The computer readable recording medium according to claim 1, further comprising the steps of setting parameters that define abilities for each batter character of said game player's team, and changing said parameters in accordance with batting results and pitching results.

7. (Currently Amended) A game server which can be accessed from a computer operated by a game player via a network, said game server including a computer readable recording medium which records a game progress control program to control a progress of a baseball game in which and a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein in said receiving step:

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side;

designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for bunting for both:

alteration of a height of the bat character from
one displayed position to another displayed position
within an area defined by an upper limit and a lower
limit of the strike zone; and

an orientation of the bat character;
is accomplished singly by the moving operation of said pointing
device based on a moving amount and a moving direction of the
pointing device in cases where bunting is selected as the offensive action of said batting charac

displaying a corresponding vertical movement effecting movement of the bat
character from said one displayed position to said another displayed position within
the strike zone displayed on the monitor screen according to the received instructions
regarding the alteration of the height of the bat character; and
progressing a baseball game based on the input made by the game player.

8. (Currently Amended) A game progress control method for controlling a
progress of a baseball game in which a game player's team and a computer-controlled
team or competitor's team alternately play offense and defense via a ball character
used as a game medium, the game progress control method comprising the steps of:

displaying a game image including a plurality of characters, a bat character
and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and
a button operation made by the game player on a pointing device, wherein in said
receiving step:

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side;

designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for bunting for both:

alteration of a height of the bat character from one displayed position to another displayed position within an area defined by an upper limit and a lower limit of the strike zone; and

an orientation of the bat character; is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character;

displaying a corresponding vertical movement effecting movement of the bat character from said one displayed position to said another displayed position within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and progressing a baseball game based on the input made by the game player.

9. (Canceled)

10. (Currently Amended) The computer readable recording medium according to claim 1, wherein:

said pointing device is a mouse; and

said receiving input of contents of instructions are based on a moving operation and a button operation made by the game player on said mouse, wherein in said receiving step, said designation of instructions for said pitching action of said pitcher character is accomplished by the operation of said mouse when the game player's team is the defensive side, said designation of instructions for said offensive action of said batter character is accomplished by the operation of said mouse when the game player's team is the offensive side, and said selection of bunting or hitting as said offensive action is accomplished by said button operation being performed on said mouse.

11. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a mouse having at least two buttons including a first button and a second button, wherein in said receiving step:

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said mouse when the game player's team is the defensive side;

designation of instructions for an offensive action of a batter character is accomplished by the operation of said mouse when the game player's team is the offensive side, and a selection of bunting or hitting as said offensive action is accomplished by different button operations on said first and second buttons of said mouse, and designation of instructions for bunting for both;

alteration of a height of the bat character of the bat character from one displayed position to another displayed position within an area defined by an upper limit and a lower limit of the strike zone; and

an orientation of the bat character;

is accomplished by the moving operation, including a moving amount and a moving direction, of said mouse in cases where bunting is selected as the offensive action of said batting character;

displaying a corresponding vertical movement effecting movement of the bat character from said one displayed position to said another displayed position within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.

12. (Currently Amended) The computer readable recording medium according to claim 1, wherein:

said displaying said game image includes displaying a contact position cursor, wherein the contact position cursor indicates a position through which a bat swing is calculated;

said pointing device is a mouse having at least two buttons including a first button and a second button;

said receiving includes:

said designation of instructions for the offensive action of the batter character being accomplished by the operation of said mouse when the game player's team is the offensive side, and

said selection of bunting or hitting as said offensive action being accomplished by the operation of said mouse, and

designation of instructions for hitting for alteration of a position of the contact position cursor from one displayed position to another displayed position within an area defined by an upper limit and a lower limit of the strike zone being accomplished by a single moving operation of said mouse, including both a moving amount and a moving direction, when the game player's team is the offensive side in such manner that the direction of movement and the amount of movement of the contact position cursor are determined in accordance with the direction and amount of movement corresponding to the single operation of the mouse; and

said displaying includes displaying a corresponding movement of the contact position cursor from said one displayed position to said another displayed position within the strike zone displayed on the monitor screen according to the received instruction regarding the alteration of the position of the meet cursor.

13. (Canceled)

14. (New) The computer readable recording medium according to claim 1, the program further comprising the step of displaying an arrow above the bat character indicating a direction of a bunt executed by said offensive action.

15. (New) The computer readable recording medium according to claim 14, the program further comprising the step of displaying the bat character moving at a speed proportional to a speed of the moving operation.

16. (New) The computer readable recording medium according to claim 15, the program further comprising the step of displaying the bat character moving at a speed proportional to a speed of the moving operation.

17. (New) The computer readable recording medium according to claim 12, wherein a size of the contact position cursor, displayed on the monitor, varies according to an ability parameter of the batter character.

18. (Currently Amended) The computer readable recording medium according to claim 1, wherein:

said displaying said game image includes displaying a contact position cursor, wherein the contact position cursor indicates a position through which a bat swing is calculated;

said receiving includes:

designation of instructions for hitting for
alteration of a position of the contact position cursor
from one displayed position to another displayed
position within an area defined by an upper limit and

a lower limit of the strike zone being accomplished by a single moving operation of said pointing device, including both a moving amount and a moving direction, when the game player's team is the offensive side in such manner that the direction of movement and the amount of movement of the contact position cursor are determined in accordance with the direction and amount of movement corresponding to the single operation of the pointing device;

said displaying includes displaying a corresponding movement of the contact position cursor from said one displayed position to said another displayed position within the strike zone displayed on the monitor screen according to the received instruction regarding the alteration of the position of the meet cursor.

19. (New) The computer readable recording medium according to claim 18, wherein said pointing device inputs the movement direction over a substantially continuous range.

20. (New) The computer readable recording medium according to claim 19, wherein a size of the contact position cursor, displayed on the monitor, varies according to an ability parameter of the batter character.

21. (New) The computer readable recording medium according to claim 18, wherein a size of the contact position cursor, displayed on the monitor, varies according to an ability parameter of the batter character.

22. (New) The computer readable recording medium according to claim 21, the program further comprising the step of displaying a small screen in an upper center screen portion displaying a side of the batter character from a viewpoint of the pitcher character.

23. (New) The computer readable recording medium according to claim 1, the program further comprising the step of displaying a small screen in an upper center screen portion displaying a side of the batter character from a viewpoint of the pitcher character.